UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/679,516	10/07/2003	Michael G. Bradley	5997.0024-01	8424

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *1* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *10 September 2009*.

2a) ☐ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *18-41* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☐ Claim(s) _____ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☒ Claim(s) *18-41* are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All   b) ☐ Some *   c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

This is in reference to communication received 10 September 2009. Cancellation

of previously pending claims 1 – 17 and addition of new claims 18 – 41 is

acknowledged.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I.   Claims 18 – 35, drawn to system and method for providing an automated

         value estimate of a property as of a previous time period, by determining

         historical valuation data reflecting automated value estimates of properties

         corresponding to values of the properties during previous time periods;

         receiving a request for an automated value estimate of a property as of a

         specified previous time period; searching the database for the historical

         valuation data of the property identified by the request; retrieving the

         historical valuation data; and providing, in response to the request, the

         automated value estimate of the property as of the specified previous time

         period, classified in class 705, subclass 1.

II.   Claims 36 – 38, drawn to system and method for classifying a loan into

         one or more risk categories, the computer-implemented by retrieving a

         property estimate performed on a property, the property estimate being

associated with a loan secured by the property; determining a time period when the property estimate was performed on the property; retrieving an automated value estimate of the property as of the time period when the property estimate was performed; comparing the property estimate to the automated value estimate to determine whether the automated value estimate exceeds the property estimate by a threshold amount; and categorizing, using a computing platform, the loan into a high risk category when the property estimate exceeds the automated value estimate by at least the threshold amount, classified in class 705, subclass 1.

III.   Claims 39 – 41, drawn to system and method for classifying a loan into one or more risk categories by retrieving a property estimate performed on a property, the property estimate being associated with a loan secured by the property; determining a time period when the property estimate was performed on the property; retrieving an automated value estimate of the property as of the time period when the property estimate was performed; generating, using a computing platform, a score reflecting whether the property estimate accurately reflected the value of the property as of the time period when the property estimate was performed, the score being generated based on a relationship between the property estimate and the automated value estimate; and categorizing the loan into one of the risk categories based on the score, classified in class 705, subclass 1.

The inventions are distinct, each from the other because of the following reasons:

Inventions I – III are related as <u>subcombinations disclosed as usable together in</u>

<u>a single combination.</u> The subcombinations are distinct if they do not overlap in scope

and are not obvious variants, and if it is shown that at least one subcombination is

separately usable. In the instant case,

subcombination I has separate utility such as system and method for <u>providing</u>

<u>an automated value estimate of a property as of a previous time period</u>, by <u>determining</u>

<u>historical valuation data reflecting automated value estimates of properties</u>

<u>corresponding to values of the properties during previous time periods</u>; receiving a

request for an automated value estimate of a property as of a specified previous time

period; searching the database for the historical valuation data of the property identified

by the request; retrieving the historical valuation data; and providing, in response to the

request, the automated value estimate of the property as of the specified previous time

period;

subcombination II has separate utility such as system and method for <u>classifying</u>

<u>a loan into one or more risk categories</u>, the computer-implemented by <u>retrieving a</u>

<u>property estimate performed on a property</u>, the property estimate being associated with

a loan secured by the property; <u>determining a time period when the property estimate</u>

<u>was performed on the property</u>; retrieving an automated value estimate of the property

as of the time period when the property estimate was performed; <u>comparing the</u>

<u>property estimate to the automated value estimate to determine whether the automated</u>

<u>value estimate exceeds the property estimate by a threshold amount</u>; and <u>categorizing,</u>

using a computing platform, the loan into a high risk category when the property

estimate exceeds the automated value estimate by at least the threshold amount.

subcombination II has separate utility such as system and method for classifying

a loan into one or more risk categories by retrieving a property estimate performed on a

property, the property estimate being associated with a loan secured by the property;

determining a time period when the property estimate was performed on the property;

retrieving an automated value estimate of the property as of the time period when the

property estimate was performed; generating a score reflecting whether the property

estimate accurately reflected the value of the property as of the time period when the

property estimate was performed, the score being generated based on a relationship

between the property estimate and the automated value estimate; and categorizing the

loan into one of the risk categories based on the score.

Restriction for examination purposes as indicated is proper because all these

inventions listed in this action are independent or distinct for the reasons given above

and there would be a serious search and examination burden if restriction were not

required because one or more of the following reasons apply:

(a) the inventions have acquired a separate status in the art in view of their

different classification;

(b) the inventions have acquired a separate status in the art due to their

recognized divergent subject matter;

(c) the inventions require a different field of search (for example, searching

different classes/subclasses or electronic resources, or employing different

search queries);

(d) the prior art applicable to one invention would not likely be applicable to

another invention;

(e) the inventions are likely to raise different non-prior art issues under 35 U.S.C.

101 and/or 35 U.S.C. 112, first paragraph.

Applicant is advised that the reply to this requirement to be complete must

include (i) an election of a invention to be examined even though the requirement

may be traversed (37 CFR 1.143) **and (ii) identification of the claims encompassing**

the elected invention.

The election of an invention may be made with or without traverse. To reserve a

right to petition, the election must be made with traverse. If the reply does not distinctly

and specifically point out supposed errors in the restriction requirement, the election

shall be treated as an election without traverse. Traversal must be presented at the time

of election in order to be considered timely. Failure to timely traverse the requirement

will result in the loss of right to petition under 37 CFR 1.144. If claims are added after

the election, applicant must indicate which of these claims are readable on the elected

invention.

If claims are added after the election, applicant must indicate which of these

claims are readable upon the elected invention.

Should applicant traverse on the ground that the inventions are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

A telephone interview was not conducted due to complexity of the restriction requirement and since the examiner knows from past experience that an election will not be made by telephone. (see MPEP 812.01).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NARESH VIG whose telephone number is (571)272-6810. The examiner can normally be reached on Mon-Thu 7:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Naresh Vig/

November 23, 2009   Primary Examiner, Art Unit 3629